

DRAFT ENVIRONMENTAL ASSESSMENT
FOR
TIMBER GULCH ACCESS ROAD EASEMENT
October 2017



Photo credit: K. Wahl



**Draft Environmental Assessment
For
Timber Gulch Access Road Easement
September 2017**

PART 1: PURPOSE OF AND NEED FOR ACTION

Proposed Action

The Department of Fish, Wildlife & Parks (FWP) proposes, through the Accessing Public Lands Program, to purchase a permanent road easement across private land that allows access to 3,400 acres of BLM in the Timber Gulch area of McCartney Mountain, 3 miles east of Glen. The department would purchase approximately 0.14 miles of existing primitive road with a minimum width easement and convey the easement to the BLM. The road connects a county road (Burma Road) to an open route on the BLM. The public would have year-round access to this road. Compensation in the amount of \$20,000 for the easement would be paid to the Garrison Big Hole River Ranch. The purchase would be funded, in part, by hunting license revenues through the Access Public Lands program administered by FWP and through contributions from the Rocky Mountain Elk Foundation, Skyline Sportsmen, and Jefferson Valley Sportsmen.

Currently, there is a good-will public road access allowed by the Garrison Big Hole River Ranch across their property to BLM lands. The Garrisons participate in FWP's Block Management Program and believe that the public should have the right to access public lands and wildlife. For the past 2 years, FWP has compensated the Garrison Big Hole River Ranch \$1,000 annually through an Accessing Public Lands agreement to secure public access in the Timber Gulch area. These agreements have been valid for the hunting season only and on an annual basis. Although in the short-term it does not appear that this good-will access is at risk, it is prudent to be proactive and secure this access in perpetuity. In the summer of 2017, FWP personnel approached Mr. Todd Garrison about this issue, and he indicated that he would be willing to sell a permanent public easement on the 0.14 mile of road connecting to the BLM. Since that time, the terms have been agreed upon and the project is ready to be finalized. Completion of this EA, a FWP Decision Notice, and approval by the FWP Commission are required to finalize the project.

Need for the Action

The State of Montana recognizes that access to wildlife habitat is an important component of a quality recreational hunting experience and essential to wildlife population management. In past decades, access to both public and private lands has diminished in many parts of Montana. Among the many reasons for loss of access are changes in land ownership, abuse of the land, noxious weed invasion, fee or no hunting, and a lack of right-of-way easements.

The Timber Gulch access easement would secure the public's ability to reach BLM land in an area where access is limited. The nearest public access to BLM land is 1.5 miles to the east; there is no secured public access to McCartney Mountain west of the proposed Timber Gulch access. This acquisition follows the BLM travel/access plan for the McCartney Mountain area. Hunters and recreationists would be able to access 1.5 miles of motorized travel up the flank of McCartney Mountain for easier access to Timber Gulch. The easement would facilitate hunter pressure on a local elk herd of 150-200 animals in an area where chronic game damage occurs.

Location of Proposed Action

The Timber Gulch access is in T4S R8W Section 18, 3 miles east of Glen, MT, in Madison County (Figure 1). It is accessed from the county road commonly known as the Burma Road. It is in Deer/Elk Hunting District 340.

Figure 1: Location of the proposed action.

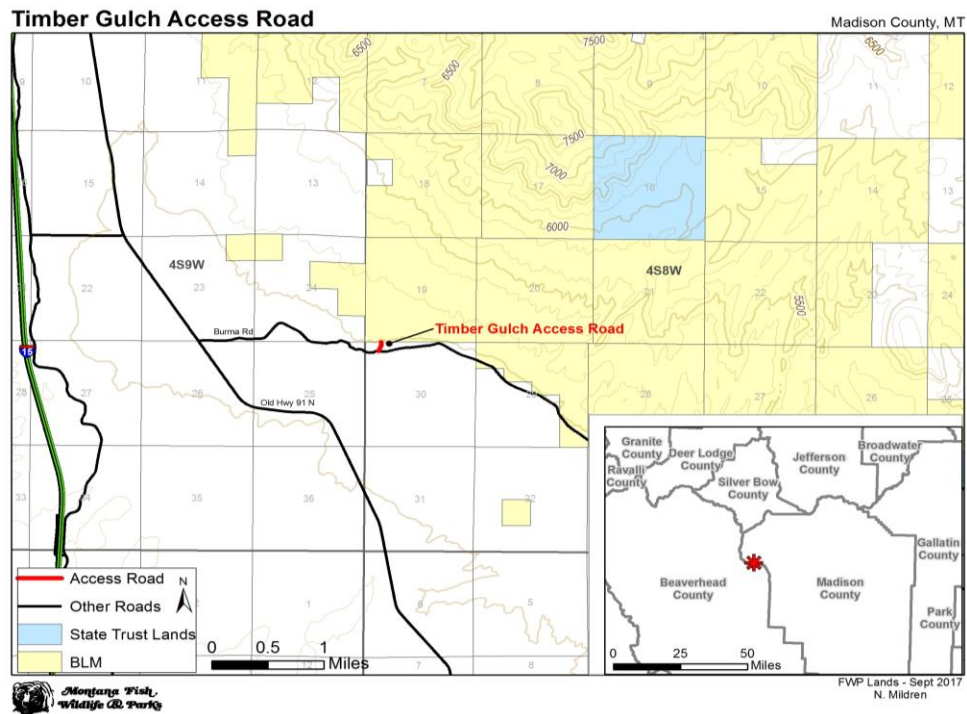


Figure 2: Timber Gulch Access connecting Burma Road to BLM road.



Objective of Proposed Action

The objective of purchasing the Timber Gulch road easement is to secure permanent public road access to BLM land. The easement would allow for the current uses of the road to continue in perpetuity. This area

provides access for hunting of elk, deer, and bighorn sheep, along with hiking, horn hunting, and wildlife viewing in a beautiful mountain-foothill environment.

Authority and Direction

FWP has the authority under law (87-1-201 MCA) to protect, enhance, and regulate the use of Montana's fish and wildlife resources for public benefit now and in the future. FWP must also maintain wildlife populations at or below sustainable populations (87-1-323 MCA). As such, FWP may enter into agreements with willing landowners to promote access and facilitate harvest. The Block Management Program and other year-to-year agreements for access are the simplest form of these agreements. FWP may also acquire interest in land through acquisition, easement, or lease (87-1-209 MCA). In the case of Timber Gulch, a public access road with perpetual easement is the proposed action. As with other FWP property interest proposals, the Fish and Wildlife Commission must approve any land projects proposed by the agency. This Environmental Assessment is part of the decision-making process.

Anticipated Scheduling

Public Comment Period of EA: October 13 – November 13, 2017

Decision Notice: November 17, 2017

Completion of Purchase: March 31, 2018

Transfer Property to BLM: April 30, 2018

Decision

Based on the review of the project as well as public comment, FWP's Region 3 Supervisor would decide whether to purchase a fee title to the Timber Gulch Access road easement.

PART 2: ALTERNATIVES

Alternative A (Proposed Action): FWP would purchase a perpetual 0.14-mile long public road easement through the Garrison Big Hole River Ranch connecting the country road and the existing public road on BLM in the Timber Gulch area. Upon acquisition, FWP would convey the easement to the BLM.

Alternative B (No Action): Public road access to BLM land in the Timber Gulch area would remain open dependent upon the good-will by the Garrison Big Hole River Ranch. FWP would attempt to continue to engage in annual Access Public Lands contracts with the Garrison Big Hole River Ranch for \$1,000 annually to ensure continued public access to BLM lands during the hunting season.

PART 3: ENVIRONMENTAL REVIEW CHECKLIST

Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?		X				
c. Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				

2. <u>AIR</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)		X				
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regulations? (Also see 2a.)		X				

3. <u>WATER</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		X				
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of floodwater or other flows?		X				

d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		X				
m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		X				
4. <u>VEGETATION</u> Will the proposed action result in?	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?		X				
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?			X		YES	1
f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		X				
g. Other:		X				

1. Minor risk of perpetuating noxious weeds caused by public vehicle access. Will be mitigated by BLM controlling weeds as needed.

5. <u>FISH/WILDLIFE</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?		X				
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?			X		YES	2
h. For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		X				
i. For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		X				

2. Securing perpetual public access in this area may increase harvest on local elk herd of 150-200 animals. This can be mitigated through season regulations.

B. HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Increases in existing noise levels?		X				
b. Exposure of people to serve or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				

8. <u>RISK/HEALTH HAZARDS</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?		X				
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a)		X				

9. <u>COMMUNITY IMPACT</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?			X		Yes	3

3. The project is designed to maintain the current type and level of public use, but in perpetuity. There may be a slight increase in public use if some in the public become aware of this access route who may not be aware that there is currently good-will access allowed. Increased public use will be mitigated by BLM road maintenance and weed control along the easement.

10. <u>PUBLIC SERVICES/TAXES/UTILITIES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:			X			4
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased use of any energy source?		X				
e. Define projected revenue sources		X				
f. Define projected maintenance costs.		X				

4. Once FWP conveys the road easement to the BLM, the BLM will be responsible for road maintenance and weed control along the easement.

11. <u>AESTHETICS/RECREATION</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)		X				
d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)		X				

12. <u>CULTURAL/HISTORICAL RESOURCES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)		X				

SIGNIFICANCE CRITERIA

13. <u>SUMMARY EVALUATION OF SIGNIFICANCE</u> Will the proposed action, considered as a whole:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		X				
g. For P-R/D-J, list any federal or state permits required.		X				

PART 4: PUBLIC PARTICIPATION

Public Involvement

The public will be notified that this EA is available for review and comment as follows:

- Direct mailing to adjacent landowners, Madison County, BLM and interested parties to ensure their knowledge of the proposed project
- Distribution via the FWP Butte wildlife biologist's email list of interested parties
- Two public notices each in *The Montana Standard* (Butte) and *The Tribune* (Dillon).
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.

Copies of the draft EA would be available for public review at FWP Region 3 Headquarters and at the FWP Butte Area Resource Office. This level of public notice and participation is appropriate for a project of this scope.

Since completion of this project will result in continuation of the current uses of the road, it is anticipated that there will be only minor impacts that can be mitigated. Thus, this level of public notice and participation is appropriate.

Duration of Comment Period

The public comment period would extend for (31) thirty-one days. Written comments would be accepted until 5:00 p.m., November 13, 2017 and can be mailed to the address below:

Timber Gulch Access
Montana Fish, Wildlife & Parks
1820 Meadowlark Lane
Butte, MT 59701

Or email comments to: yboccadori@mt.gov . Please put "EA Comment" in the subject line.

PART 5: EA PREPARATION

Based on the significance criteria evaluated in this EA, an Environmental Impact Statement is NOT required.

EA Preparer

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Collaborators

Montana Department of Fish, Wildlife & Parks: Wildlife, Lands, and Legal
BLM – Dillon Field Office
Rocky Mountain Elk Foundation
Skyline Sportsmen Association
Jefferson Valley Sportsmen Association